

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16-cv-103-FDW**

**ROBBIE SHERRON,**

**Plaintiff,**

**vs.**

**MIKE SLAGLE, et al.,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on Defendant Keith D'Amico's Motion to Dismiss, (Doc. No. 21), and the *pro se* Plaintiff's letter, (Doc. No. 24), that is construed as a Motion for Voluntary Dismissal Without Prejudice.

The parties have been provided the opportunity to object to the Court's characterization of the Letter as a Motion for Voluntary Dismissal Without Prejudice. See (Doc. No. 25). No party has done so and the deadline to respond has expired. Plaintiff's Letter is therefore construed as a Motion for Voluntary Dismissal Without Prejudice and will be granted.

The pending Motion to Dismiss filed by Defendant D'Amico, (Doc. No. 21), will be denied as moot.

**IT IS THEREFORE ORDERED** that:

1. Plaintiff's Letter, (Doc. No. 24), is construed as a Motion for Voluntary Dismissal Without Prejudice and is **GRANTED**.
2. Defendant D'Amico's Motion to Dismiss, (Doc. No. 21), is **DENIED** as moot.
3. The Clerk is instructed to terminate this action.

Signed: July 8, 2018



Frank D. Whitney  
Chief United States District Judge

